

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.3157 OF 2006

Sachin Damodar Gaikwad	Petitioner
versus	
The State of Maharashtra	Respondent

S.A.Ingawale for petitioner.
P.A.Pol, APP for State.

CORAM : S.C.DHARMADHIKARI, J.

DATE : 13th September 2006

PC :

1. This criminal application is preferred for relaxation of a condition by which the applicant is directed not to enter the area falling within the jurisdiction of Shahuwadi Police Station, Kolhapur till conclusion of trial.

2. The applicant's application for bail came up before this Court and an order was passed thereon on 5th July 2005 enlarging him on bail in CR No.3 of 2005 registered at the above Police Station. The applicant was directed not to enter the limits of Shahuwadi Police Station, Kolhapur till conclusion of trial.

3. Shri Ingawale submits that the application for relaxation of this condition is preferred pursuant to the liberty granted by this Court. He submits that the applicant has been working as a peon since 1991 in Shivshankar High School, Kadave, Tal. Shahuwadi, District Kolhapur. Since the condition imposed by this Court not to enter the limits of Shahuwadi Police Station, he has not been able to report for work. There is every apprehension that he will lose his only source of livelihood. The applicant has been staying at Village Mavali, Tal. Panhala, District Kolhapur for last more than one year. The distance between Shahuwadi - that is his place of employment and the place of present residence is around 30 kms.

4. Initially, the submission was that the condition be totally relaxed. However, after taking instructions, Shri Ingawale restricts the prayer in the application to enter the limits of above Police Station only for the purposes of reporting for work and remaining at his place of employment during working hours. He makes a statement that the applicant would, after working hours, go back to Panhala.

5. The matter was adjourned on the last occasion to enable the learned APP to take instructions. Upon instructions from the Investigating Officer, the learned APP submits that the applicant and the complainant belong to two different groups who are residing next to each other. There were disputes after the Gram Panchayat Elections on account of which the incident took place. There is every apprehension that the complainant may attack the applicant, if he remains within the limits of Shahuwadi Police Station and for his safety and also for the safety of all other witnesses it is desirable that the condition be not relaxed.

6. After perusing the application and annexures thereto and considering the fact that the applicant is employed as a peon in the school so also he has stayed away for a period of one year and his request being only to permit him to report for work, I see no reason to reject the request, as restricted.

7. Accordingly, the condition not to enter the limits of Shahuwadi Police Station is relaxed to the extent that the applicant shall enter limits

of Shahuwadi Police Station for reporting for duties at the place of work and remain there during the working hours. The condition is relaxed on the further statement of the applicant that after working hours he would return back to Panhala. All other conditions remains the same. Criminal Application disposed of.

(S.C.DHARMADHIKARI, J.)